

R e m a r k s

After careful consideration of the outstanding Office Action, this application has been amended accordingly, and favorable reconsideration on the merits thereof is at this time respectfully requested.

By this amendment only claim 21 remains of record as an independent claim and all remaining claims depend therefrom. Claim 21 reads on the elected species of Figures 1 through 4, and apart from the single rejection of record, all other issues have been rendered moot by this amendment.

One of the "other issues" is the Examiner's requirement that Applicant show in the drawings or cancel "means in the form of substantially homogeneous synthetic polymeric, co-polymeric material molded in in situ encapsulating relationship to at least part of said housing." The latter is shown in the cross-sections of all of the drawings. Moreover, the Examiner is incorrect in stating that the drawings "**must** show every feature of the invention specified in the claims." Perhaps the Examiner has problems with such phraseology as "homogeneous," "in situ," etc. However, support for the latter is found in the written description (Section 2163.01 of the MPEP), and reference is also made to Section 601.01(f) of the MPEP concerning "situations in which drawings are usually not considered necessary for the understanding of the invention." Accordingly, withdrawal of the objection to the drawings is herewith respectfully requested.

Appropriate antecedent basis is also provided in the specification by the amendment to paragraph [0005].

Reference is next made to page 5, paragraph 9 of the outstanding Office Action.

At page 5, paragraph 9, the Examiner stated "Claims 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rey Grange (EPO Patent No.; [sic] EP 1 222 885 A1), hereafter referred as Rey."

The Examiner first identifies in the Rey patent "a housing 3," states "the housing 3 being a two-part: a peripheral wall, and a removable light-supporting plate 13," and thereafter "means 14 and 15 for removably securing the housing parts." The latter interpretation of the Rey patent is completely untenable and blatantly erroneous.

The so-called "housing 3" is not a housing but is one of two shelf brackets 3, 4 upon which a shelf panel 5 is supported, as is evident in Figure 1. The shelf brackets 3, 4 are connected to vertical supports 1, 2, respectively, by nuts and bolts 22-24 (Figure 3). The so-called housing 3 is in no fashion defined by the alleged "removable light-supporting plate 13" which is not even part of the so-called "housing 3." The plate 5 is supported on the brackets 3, 4, and the edge of the plate 5 most adjacent the vertical supports 1, 2 is received in a channel 7 and illumination occurs within the channel 7, as is most readily apparent from Figure 6. Therefore, the Examiner's interpretation of the Rey patent is totally unsupportive of the Section 102(b) rejection which requires that the prior art reference disclose "each and every element of the claim." (See Stoller v. Ford Motor Co., 18 USPQ 2d 1545, 1546; Richardson v. Suzuki Motor, Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920.) Since there is no element-for-element readability of the Rey patent upon claim 21, even absent the present amendment thereto, the formal allowance of claim 21 is considered warranted and would be most appreciated.

The Examiner also alleges that "means 14 and 15" removably secure the housing parts relative to each other. The so-called "means 14" shown in Figure

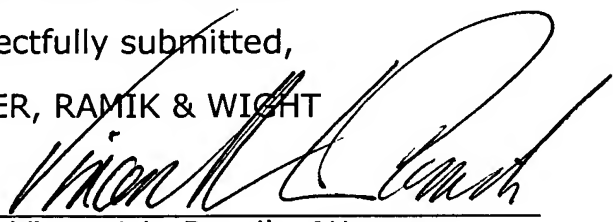
1 is a part of the electrical system for providing illumination and has nothing to do with the edge guidance provided by the spaced ribs 15, 16 (Figure 2) of each of the shelf brackets 3, 4. The alleged securing of the housing parts by "means 14 and 15" is a totally erroneous interpretation of the patent because neither of the means 14 and/or 15 constitute securing means whatsoever.

With due respect, claim 21 cannot be validly rejected based upon the Rey patent and, therefore, the formal allowance of claim 21 and each of the remaining claims depending directly or indirectly therefrom is considered to be in order and would be most appreciated.

For the record, claim 21 also distinguishes over each of the prior art documents to Koch et al. (3,612,848), Obrock et al. (Pub. No.: US 2003/0038571 A1) and Rey-Grange (EP 0 970 642 A1). Accordingly, barring the citation of pertinent prior art, the formal allowance of all of the claims now of record is believed proper and would be most appreciated.

Respectfully submitted,
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